

## Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 RSC-01 FAA-00 PM-03 H-01 L-02

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /060 W

----- 120657

P R 101448Z JAN 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC PRIORITY 3475

INFO AME/AMEMBASSY BUENOS AIRES 2378

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E.O. 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR CONSULTATIONS

1. MEETING ON JANUARY 9 DIRECTED ALMOST ENTIRELY TO PAPER (US DOCUMENT 1) TABLED FIRST DAY. PERU DEL PROPOSED BOTH SIDES AGREE TO PRINCIPLE OF DOUBLE TRACKING ON THIRD/FOURTH FREEDOM ROUTE SEGMENTS. WE SAID WE COULD NOT ACCEPT THIS, BUT IF PERU WANTED ADDITIONAL POINTS IN US, IT SHOULD MAKE REQUEST AND US WOULD CONSIDER. WE NOTED THAT, IN TERMS OF CURRENT BRANIFF OPERATIONS, PERU HAD ACCESS TO ALL OF BRANIFF'S GATEWAY POINTS EXCEPT NEW YORK. PERU DEL DID NOT RISE TO BAIT, HOWEVER. ON FIFTH FREEDOM ROUTE SEGMENTS, PERU MADE A PROPOSAL WHICH WAS NOT FULLY UNDERSTANDABLE, BUT WHICH WE EXPECT IS SIMILAR TO CONCEPT THAT ONE OF BILATERAL PARTNERS ACQUIRES FIFTH FREEDOM RIGHTS WHEN THE OTHER PARTNER AND THE THIRD COUNTRY INVOLVED AGREE THAT FIRST PARTNER MAY EXERCISE SUCH RIGHTS.

2. RE PRESCREENING PROVISIONS (PARAS 2-7 OF PAPER), PERU DEL INSISTED PERU COULD NOT FOREGO ITS "SOVEREIGN" RIGHT TO REGULATE CAPACITY UNILATERALLY. WE PRESENTED ALL USUAL ARGUMENTS WHY WE COULD NOT ACCEPT SUCH UNILATERALISM AND EMPHASIZED SOME COMPROMISE WAS ESSENTIAL. WE OFFERED CONSIDER FURTHER REFINEMENTS WHICH WOULD SPELL OUT

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WHEN AND HOW ONE SIDE COULD ACT UNILATERALLY (E.G. AFTER

UNSUCCESSFUL EX POST FACTO CONSULTATIONS).

3. COMMENT: WHILE POSSIBILITY SOME SOLUTION ON QUESTION FUTURE CAPACITY INCREASES IS NOT NECESSARILY CLOSED, WE FORESEE THAT PERU WILL PROBABLY NOT CHANGE ITS POSITION AND THAT WE MAY HAVE TO CONSIDER SOME FIXED TERM CAPACITY ARRANGEMENT WITH AGREED CAPACITY LEVELS. AT MEETING JANUARY 10, WE INTEND PRESS HARD FOR PERU DEL TO ADDRESS "COMPENSATING BENEFITS" QUESTION, SINCE THIS APPEARS TO BE CENTRAL TO PURSUING APPROACH WE ARE TRYING TO TAKE. AS MEETING ON JANUARY 9 DEMONSTRATED, OUR MAIN PROBLEM IS IN GETTING PERU DEL TO MAKE PRACTICAL PROPOSALS RATHER THAN GO AROUND IN CIRCLES ON QUESTIONS OF PRINCIPLE.

4. IN MEANTIME, BRANIFF HAS RECEIVED LETTER FROM BERCKEMEYER VIRTUALLY ORDERING IT TO FILE SCHEDULES WHICH WILL COMPORT WITH PERMIT AS OF FEBRUARY 1. AFTER DISCUSSING MATTER WITH USDEL, BRANIFF WILL REPLY THAT IT WILL FILE A SCHEDULE DEPENDING ON OUTCOME OF INTERGOVERNMENTAL TALKS. THIS LEAVES IT FREE FILE NO SCHEDULE (I.E. SUSPEND SERVICE) OR ONE REFLECTING RESTRICTIONS IN PERMIT IF THERE IS A COMPLETE BREAKDOWN IN TALKS.

5. REQUEST ADVICE WHETHER FEDERAL AVIATION ACT WOULD PROHIBIT US AIRLINES FROM BLOCK SPACING ON FOREIGN REGISTERED AIRCRAFT.  
BARNEBEY

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, NEGOTIATIONS, AIR ROUTES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 JAN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975LIMA00253  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750010-0814  
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**Line Count:** 89  
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**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 SEP 2003  
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**Secure:** OPEN  
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**Subject:** CIVAIR CONSULTATIONS  
**TAGS:** EAIR, PE, US, BRANIFF  
**To:** STATE  
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